

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONNA MOORE, FRENCHOLA
HOLDEN, and KEITH MCMILLON,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

GMAC MORTGAGE, LLC, GMAC
BANK and CAP RE OF VERMONT,
INC.,

Defendants.

Civil Action No. 2:07-cv-04296-PD

**DECLARATION OF WENDY M. GARBERS IN SUPPORT OF DEFENDANTS'
REPLY IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

I, Wendy M. Garbers, hereby declare and state as follows:

1. I am a partner with the law firm of Morrison & Foerster LLP, counsel of record for defendants. I have personal knowledge of the matters set forth herein, and, if called as a witness, could and would competently testify thereto.

2. On December 10, 2010, named plaintiff Keith McMillon was deposed in this matter. True and correct copies of an excerpt from Mr. McMillon's deposition is attached as Exhibit A.

3. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 21st day of March 2011 in San Francisco, California.

/s/ Wendy M. Garbers
Wendy M. Garbers

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